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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/727,306-Conf. #5202 |
| | Filing Date | December 3, 2003 |
| | First Named Inventor | Douglas B. WILSON |
| | Art Unit | 3682 |
| | Examiner Name | V. Luong |
| | Attorney Docket Number | 0114089.00121US1 |
| Total Number of Pages in This Submission | 11 | |

ENCLOSURES (Check all that apply)

| | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Notification of Non-Compliant Appeal Brief (37 CFR 41.37) (3 pages) Substitute Pages 13-19 (7 pages) Return Receipt Postcard |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | WILMER CUTLER PICKERING HALE AND DORR LLP | | |
| Signature | | | |
| Printed name | Wayne M. Kennard | | |
| Date | September 10, 2007 | Reg. No. | 30,271 |

Express Mail Label No. EM 100257327 US Dated: September 10, 2007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Douglas B. WILSON

Application No.: 10/727,306

Art Unit: 3682

Filed: December 3, 2003

Examiner: V. Luong

Title: Fatigue Relieving Support for Steering Wheels and the Like

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF (37 CFR 41.37)

Sir:

This paper is filed in response to the Notification of Non-Compliant Amendment mailed August 13, 2007.

Remarks begin on page 2 of this paper.

REMARKS

A review of the present application and a telephone discussion with Mr. Patrick J. Nolan of the U.S. Patent and Trademark Office has resulted in the determination that the Non-Compliant Notification issued on August 13, 2007 was issued in error and should be withdrawn. The following are the facts to support Appellant's position.

In the present application, a Corrected Appeal Brief under 37 CFR 41.37 was filed October 31, 2006 that included Exhibit B as an attachment. Exhibit B was a copy of the Response filed on June 12, 2006 that was cited as evidence. In that exhibit, claim 17 was amended with the appropriate underlining identifying what was added to that claim. The main body of the Corrected Appeal Brief provided a clean set of claims without any underlining; therefore, it is believed that the person at the U.S. Patent and Trademark Office who reviewed the October 31, 2006 submission must have thought that the Response filed of June 12, 2006 (Evidence Appendix B) was part of the main body of the Corrected Appeal Brief – it was not.

In telephone conferences with Mr. Nolan, it was concluded and confirmed that the Non-Complaint Notification was issued in error and should be withdrawn. Appellant respectfully request that it be withdrawn.

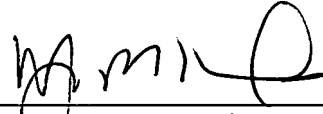
Mr. Nolan also requested that the Corrected Appeal Brief be changed so that section headings **VIII. Claims Appendix**, **IX. Evidence Appendix**, **X. Related Proceedings Appendix** and **Conclusion** each begin on a new page. To accomplish this, he requested that Appellant submits substitute pages for the affected original pages of the Corrected Appeal Brief. Accordingly attached hereto are substitute pages 13-19 (including the signature page) for replacing original pages 13-17 of the Corrected Appeal Brief filed October 31, 2006. No other changes are being made to the Corrected Appeal Brief. The undersigned respectfully requests that substitute pages 13-19 that are attached hereto be considered and replace original pages 13-17 of the Corrected Appeal Brief.

9/10/2007

The undersigned respectfully requests that the Corrected Appeal Brief be considered and inserted in the Corrected Appeal Brief.

Respectfully submitted,

September 10, 2007

A handwritten signature in black ink, appearing to read 'Wayne M. Kennard', written over a horizontal line.

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shown and described, they are fixed and not movable during normal operations. If they are not unscrewed, the only movement would be to apply a destructive force to the knobs, thereby breaking them. Therefore, Laubach does not support a prima facie basis of anticipation because it is missing at least one element of claim 14 relating to deformation of the knobs out of interference with the operation of the steering wheel in the normal operation of the knobs.

As Appellant previously stated, claims 18 and 19/18 depend from claim 14. As such, each of these claims have all of the features of claim 14. Therefore, claims 18 and 19/18 are not anticipated by Laubach for the same reasons as claim 14.

Section V above states what claims 18 and 19/18 add to the invention of claim 14. These separate combinations, namely 14/18 and 14/19, each provides bases for not being anticipated, which includes the reasons claim 14 is not anticipated by Laubach.

Noting the foregoing, Appellant has demonstrated clearly that claims 14, 18, and 19/18 are not anticipated by Laubach and respectfully request that this basis or rejection be reversed.

VIII. Claims Appendix

1-13. (Cancelled)

14. (Previously Presented) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

a first section that connects to a peripheral portion of the steering wheel; and

a rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from the first section at the peripheral portion of the steering wheel, the second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, the second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel.

15. (Previously Presented) The apparatus as recited in claim 14, wherein the steering wheel includes the steering wheel for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

16. (Previously Presented) The apparatus as recited in claim 14, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

17. (Previously Presented) The apparatus as recited in claim 14, wherein the first section extends a predetermined length of the peripheral portion of the steering wheel.

18. (Previously Presented) The apparatus as recited in claim 14, wherein the second section includes at least two second sections that each connect to the first section at separate locations.

19. (Previously Presented) The apparatus as recited in claim 17 or 18, wherein the first section is deformable.

20. (Withdrawn) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

at least two discrete first sections that each connect to a peripheral portion of the steering wheel, and

a discrete rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from each first section at a peripheral portion of the steering wheel, each second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, each second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operator the steering wheel when pressure form the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel..

21. (Withdrawn) The apparatus as recited in claim 20, wherein the steering wheel includes a steering wheel for controlling at least a nautical vessel, aircraft or ground transportation vehicle.

22. (Withdrawn) The apparatus as recited in claim 20, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

23. (Withdrawn) The apparatus as recited in claim 20, wherein the apparatus is adjustable for supporting different sizes or types of body portions.

24. (Previously Presented) The apparatus as recited in claim 14, wherein each first section is formed integral with the steering wheel.

25. (Withdrawn) The apparatus as recited in claim 14 or 20, wherein each first section is detachable from the steering wheel.

26. (Withdrawn) The apparatus as recited in claim 20, wherein each first section is deformable.

27. (Previously Presented) The apparatus as recited in claim 14, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

28. (Withdrawn) The apparatus as recited in claim 20, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

IX. Evidence Appendix

Attachment A is a copy of the March 30, 2006, Office Action;

Attachment B is a copy of Appellant's June 12, 2006, Response, which includes

Appellant's last claim amendments;

Attachment C is a copy of Appellant's June 26, 2006, Response;

Attachment D is a copy of the Office Action dated July 14, 2006; and

Attachment E is a copy of Appellant's August 3, 2006, Amendment and Response to
Notice of Non-Compliant Amendment.

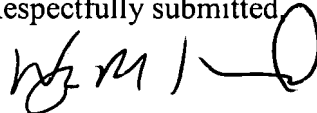
X. Related Proceedings Appendix
None

CONCLUSION

In the foregoing, Appellant has clearly traversed each of the Examiner's bases for rejecting amended claims 14-19, 24/14, and 27 under 35 U.S.C. §112, second ¶, for indefiniteness, and claims 14-19, 24/14, and 27 under 35 U.S.C. §102 for allegedly being anticipated by Van Arsdell, Anson, and Laubach. Accordingly, Appellant requests that the Board reverse these outstanding rejections and remand the application to Examiner and direct that the application be sent to issue.

No fees are believed due; however, please charge any additional fees due or overpayments to Deposit Account No. 08-0219.

Respectfully submitted,



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Attorney for Appellant

Dated: October 31, 2006

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